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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	STIPULATION TO CONTINUE
Plaintiff,)	PRELIMINARY HEARING
)	
vs.)	
)	2:15-mj-00830-PAL
NICHOLAS MICHAEL DARLEY,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED and AGREED by and between CRISTINA D. SILVA, Assistant United States Attorney, and JEFFREY S. POSIN, attorney for Defendant, NICHOLAS MICHAEL DARLEY, that the Preliminary Hearing currently scheduled for Monday, March 14, 2016, at 4:00 p.m. shall be continued for forty-five (45) days or as soon thereafter as the Court deems appropriate.

This Stipulation is entered into for the following reasons:

1. The parties request a continuance of the Preliminary Hearing to finalize plea negotiations. The parties are working to resolve both the instant case and a related State of Nevada case, and anticipate a global resolution within the next thirty (30) days.
2. The parties agree to the continuance.

3. The Defendant is incarcerated but does not object to the continuance.
4. Additionally, a denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested herein is not sought for purposes of delay, but to allow for a possible pre-indictment resolution of this case.
6. The additional time requested by this stipulation is allowed with the Defendant's consent under the Federal Rules of Procedure 5.1(d).
7. This is the third request for continuation of the Preliminary Hearing.

DATED this 11th day of March, 2016.

/s/Cristina D. Silva
CRISTINA D. SILVA, ESQ.
Assistant United States Attorney

/s/Jeffrey S. Posin
JEFFREY POSIN, ESQ.
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
Plaintiff,)	ORDER TO CONTINUE PRELIMINARY
)	HEARING
vs.)	
NICHOLAS MICHAEL DARLEY,)	2:15-mj-00830-PAL
Defendant.)	

Based on the pending Stipulation of counsel and good cause appearing therefore, the Court finds that:

1. The parties request a continuance of the Preliminary Hearing to finalize plea negotiations. The parties are working to resolve both the instant case and a related State of Nevada case, and anticipate a global resolution within the next thirty (30) days.
2. The parties agree to the continuance.
3. The Defendant is incarcerated but does not object to the continuance.
4. Additionally, a denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested herein is not sought for purposes of delay, but to allow for a possible pre-indictment resolution of this case.
6. The additional time requested by this stipulation is allowed with the Defendant's consent under the Federal Rules of Procedure 5.1(d).
7. This is the third request for continuation of the Preliminary Hearing.

1 For all of the above-stated reasons, the ends of justice would best be served by a
2 continuance of the Preliminary Hearing date.

3 **CONCLUSIONS OF LAW**

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5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the Defendant, since the failure to grant said continuance would be likely to result in a
7 miscarriage of justice, would deny the parties herein to potentially resolve the case prior to
8 indictment, and further would deny the parties sufficient time and the opportunity within which
9 to be able to effectively and thoroughly prepare for the Preliminary Hearing, and possibly
10 resolve the case prior to the Preliminary Hearing, taking into account the exercise of due
11 diligence.

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13 The continuance sought herein is allowed, with the Defendant's consent, pursuant to
14 Federal Rules of Procedure 5.1(d).

15 **ORDER**

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17 IT IS THEREFORE ORDERED that the Preliminary Hearing currently schedule for
18 March 14, 2016, at 4:00 p.m., be vacated and continued to _____ April 29, 2016,
19 at _____ 4:00 p.m.

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21 DATED this 16th day of March, 2016.

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24 
25 THE HONORABLE PEGGY A. LEEN
26 UNITED STATES MAGISTRATE JUDGE
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